IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1008 OF 2007
IN
CRIMINAL APPEAL NO. 819 OF 2007

Nandkumar Gangaram Shigvan ..Applicant

Vs.

The State of Maharashtra ..Respondent

Mr. Rakesh Bhatkar for applicant.
Mr. A.S. Shitole, APP for State.

CORAM: B.H. MARLAPALLE, J.

Date : October 25, 2007.

P.C.:

1. This is an application for being released on bail during pendency of Criminal Appeal No. 819 of 2007. The applicant-accused has been convicted under Sections 498-A and 306 of IPC and sentenced to suffer RI for two and half years on the second count and for six months on the first count. Mr. Bhatkar the learned counsel for the applicant states that the applicant was on bail during the trial and the fine amount has been deposited. He has also placed before me a copy of the order dated 18/10/2007 passed by the

learned Addl. Sessions Judge at Khed and the accused was released on bail by executing PR bond of Rs.15,000/- with one surety in the like amount.

2. I have gone through the reasoning set out in support of the order of conviction as well as the oral depositions of PW 1 - Balkrishna Shigvan, PW 2 - Arvind Balgude, father of the deceased, PW 3 - Raghunath Baikar, PW 4 - PSI Pravin Shedge, IO and PW 5 - Dr. Pravin Pardesai, Medical Officer on deputation with Sub-Civil Hospital, Dapoli and had treated the deceased on her admission to the said Hospital and I am satisfied that this is a fit case to suspend the order of sentence under Section 389 of Cr.P.C. and release the applicant on bail.

3. Hence, the application is allowed and it is directed that the applicant be released on bail, if not required in any other case, pending the appeal on the same terms as before the trial court, but on fresh bonds.

(B.H. Marlapalle,J.)